

IN THE DRAWINGS

Please replace Figure 1 on file with the attached amended Figure 1.

REMARKS

Claims 1-29 are pending in this application.

Applicant would like to thank the Examiner and the Examiner's Supervisor for the courtesy extended in the telephone interview on September 12, 2006.

In the interview the 112 rejections were discussed. The rejection states that Figures 4 and 5 of the specification appear to contradict the claims. However, in the interview, Applicant explained that the claims represented a different embodiment from the invention illustrated in Figures 4 and 5. In fact, as Applicant explained, support for the feature of initiating execution without scheduling could be found in the specification on page 8, lines 26-28, which recites that "Rules engine 30 uses the information and commands received from monitor 25 to call the Workflow Management System 36 and instruct it to implement the event associated particular workflow process 31." Applicant then addressed the question of how the claimed system worked by directing the Examiner to the following lines of the specification which recite that "It does this by creating and initiating a copy (an instance) of the desired event associated particular workflow process. In a complex system a workflow process may be implemented multiple times (i.e. as multiple instances) for different patients, for example. Therefore, process copies are made of a template process and the copies (instances) are the processes that are actually implemented." Applicant further explained that the system actually initiates a process based on analysis of the event – either a default process or a substitute process is initiated. The claimed system does more than just analysis; the system circumvents scheduling by initiating the process. An agreement that Applicant had shown sufficient support for the claim and the claimed embodiment was reached.

The second topic addressed in the interview was the cited reference to Brown et al. (U.S. Patent No. 6,458,080). Agreement was reached that Applicant's interpretation of the system of Brown is solely a scheduler is correct. The Brown system does not

initiate anything. Rather, the Brown system merely allows a manual change to the schedule. In the end, Brown is a scheduler.

The interview concluded with Applicant agreeing to prepare a formal response to the rejection summarizing the issues discussed in the interview.

Objection to the Drawings

The drawings are objected to because Figure 1 is believed to be prior art but is not designated as being prior art. Attached please find a replacement sheet for Figure 1 including the legend "Prior Art." Please replace Figure 1 with the attached amended Figure 1.

Applicant respectfully submits that the "Replacement Sheet" of Figure 1 submitted with this response complies with 37 CFR 1.121(d). Thus it is respectfully submitted that this objection is satisfied and should be withdrawn.

Rejection of Claims 1, 2, 9, 11, 20-21 and 26-28 under 35 USC 112, first paragraph

Claims 1, 2, 9, 11, 20-21 and 26-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the description requirement.

The Office Action contends that the feature of "without scheduling said performance and associated intervening scheduling time delay" is not provided in the specification. However, as discussed in the above identified interview, support for this feature is found on page 8, lines 26-28 of the specification. Additionally, Figures 4 and 5 describe an alternate embodiment of the invention to that which is recited in the claims.

In view of the above remarks and the discussion as summarized above in the interview of September 12, 2006, it is respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 1, 11, 20, 26, 28 and 29 under 35 USC 112, second paragraph

Claims 1, 11, 20, 26, 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 11, 29 and 28-29, Applicant respectfully submits that the preamble of the claims describes a method. The recited method takes place in a particular system, namely, a system that initiates “performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery.” Independent claims 1, 11, 20, 26, 28 and 29 further recite and claim the method performed by the data processor for processing an event representing a change in circumstances as potentially affecting healthcare and the activities comprising the method. In view of the above remarks, Applicant respectfully submits that this rejection is satisfied and should be withdrawn.

As per claims 1, 11, 20, 26, 28 and 29, Applicant respectfully submits that the term “potentially” is not vague and indefinite. The claims very clearly state “an event” represents “a change in circumstances.” It is possible that the change in circumstances **may** affect healthcare delivered to a patient. It is also possible that the change in circumstances **may not** affect healthcare delivered to a patient. The aspect that is monitored is solely the fact that there is “a change in circumstances,” namely, “an event.” Thus, the term “potentially” as meaning may or may not is appropriate and not vague or indefinite as this term is referring to consequences of the change and not the monitored change itself. Consequently, Applicant respectfully submits that this rejection is satisfied and should be withdrawn.

As per claim 2, Applicant respectfully submits that antecedent basis can in fact be found for the term “predetermined” in claim 1. The “predetermined information” in claim 2, is merely information that has been determined in a prior activity. In this instance, the prior determining activity is found in claim 1 on which claim 2 depends. Specifically, antecedent basis is found in the activity of, “determining by using said

repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event.” Thus, Applicant respectfully submits that this rejection is satisfied and should be withdrawn.

As per claim 21, Applicant respectfully submits that the feature “said adapting activity comprises initiating processing of said second process from said particular individual task in response to receiving said at least one message identifying occurrence of said event and determination said parameter is within predetermined acceptability criteria” is not vague and indefinite. This feature further defines the adapting activity of claim 20. Specifically, the activity of “adapting said instance of said second process by initiating execution of performance of a particular set of tasks without scheduling said performance and associated intervening scheduling time delay in response to receiving said at least one message” is further defined by claim 21. Thus, Applicant respectfully submits that this rejection is satisfied and should be withdrawn.

Rejection of Claims 1, 2, 5, 9-15, 18, 25, 26 and 28 under 35 U.S.C. 103(a)

Claims 1, 2, 5, 9-15, 18, 25, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (U.S. Patent No. 6,458,080). These claims are deemed patentable for the reasons given below.

The present invention recites “In a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method” is “performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient.” “At least one event potentially affecting healthcare delivered to a patient” is associated in a repository “with a sequence of tasks to be performed to support healthcare delivery to said patient.” “A message” is received “identifying occurrence of said event.” “By using said repository, a particular sequence of tasks to be performed,” is determined “in response to receiving said message identifying occurrence of said event.” “Execution of performance of said particular sequence of tasks” is initiated “by at least one individual without scheduling said performance and associated intervening scheduling

time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.” Applicant respectfully submits that claims 1, 11, 26 and 28 include similar features to those described above. Applicant further respectfully submits that these features are neither disclosed nor suggested by Brown.

As discussed above with respect to the telephone interview on September 12, 2006, Brown describes a system for **scheduling** tasks. The tasks scheduled by Brown seek to balance the life of the user (Column 7, line 65-column 8, line 5). Examples of these tasks include dinner, exercise, work and children’s events, which are given a priority rating and are scheduled (table 1). These tasks are scheduled to be performed at a FUTURE time. Contrary to Brown, the present claimed invention recites “initiating execution of performance of said particular sequence of tasks...**without scheduling** said performance and associated intervening schedule time delay.” The present claimed invention is NOT a scheduler but rather, initiates execution of the performance of tasks WITHOUT scheduling. The tasks are performed after pre-conditions associated with the task sequence are met. Additionally, contrary to the present claimed invention, in Brown, the tasks are to be performed by a user and NOT by the Brown system. The present claimed invention, on the other hand, initiates “execution of performance of said particular sequence of tasks.”

The rejection on page 7 admits that Brown does not disclose “initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual,” as recited by the present invention. Applicant respectfully submits that contrary to the assertion in the rejection, it would NOT be obvious to incorporate this feature in Brown. Brown is a scheduler system and any action required by the user relates directly to the

schedule itself, there is no “initiating execution of performance” of tasks. Also, Brown’s scheduler **cannot** initiate execution of any of the tasks. Furthermore, there is no reason for the Brown system to function in this manner. The Brown scheduler is provided to help a person organize their time, by carving out time for tasks and prioritizing those tasks. The tasks are varied, such as making dinner and picking up a child from basketball practice. There is no scheduling in the present invention. If the pre-conditions are met, execution of the performance of the task is initiated in the present invention. Additionally, the present invention is used in a healthcare environment and resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a “prepare to perform time” that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23). Brown is not concerned with Healthcare worker efficiency, but rather is concerned with preparing a schedule for use by a person in incorporating many daily and family oriented tasks. There is no common problem recognition between Brown and the present claimed invention. Consequently withdrawal of the Rejection of claims 1, 11, 26 and 28 under 35 USC 103(a) is respectfully requested.

Applicant respectfully submits that as claims 2 and 5 are dependent on claim 1, and claims 12-15, 18 are dependent on claim 11, claims 2, 5, 12-15 and 18 are considered to be patentable for the reasons given above regarding claims 1 and 11. Consequently, withdrawal of the rejection of claims 2, 5, 12-15 and 18 under 35 USC 103(a) is respectfully requested.

Applicant further respectfully submits that as claim 25 is dependent on independent claim 20, discussed below, claim 25 is patentable for the reasons given hereinafter with respect to claim 20.

Rejection of Claims 3, 4, 6-8, 16, 17, 19-24, 27 and 29 under 35 U.S.C 103(a)

Claims 3, 4, 6-8, 16, 17, 19-24, 27 and 29 are rejected under 35 U.S.C 103(a) as being unpatentable over Brown et al (U.S. Patent No. 6,458,080 B1) in view of Stoodley et al. (Pub. No. US2004/0078236 A1).

As described above, and admitted throughout the Office Action Brown neither discloses nor suggests “initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied,” as recited in claims 20 and 29 of the present invention. Nor, as discussed above, is there any reason for Brown to include these features. Brown is a scheduler for helping people organize their time. No tasks are actually performed by the Brown system. The present claimed invention, on the other hand, initiates the performance of a task without scheduling to increase healthcare worker efficiency. As described above, there is no common problem recognition between Brown and the present invention.

Applicant respectfully submits that Stoodley (with Brown) neither disclose nor suggests the features of the present invention. Stoodley describes a system for “storing a cohort description of data to describe a group of patients in an organized manner. The type of data that is stored and the relational manner in which they are stored, allow for comprehensive searches to retrieve aggregate data of multiple patients. The patient data may be stored for more than one provider” (paragraph [0016]). Stoodley, is concerned with the storage and manipulation of aggregate patient data. This is wholly unlike the present claimed invention which is concerned with resolving inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a “prepare to perform time” that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (specification page 5, lines 19-23). Thus, there is no common problem recognition between Brown and the present invention.

It is also respectfully submitted that there is no reason or motivation to combine these two references as Brown is concerned with prioritizing varied tasks to create a schedule for a user, while Stoodley, is concerned with the storage and manipulation of aggregate patient data. These systems are wholly unlike one another and relate to different areas of art. Brown relates to a scheduler, such as any of a number of hand held scheduling devices. Stoodley is concerned with the easy manipulation of large bodies of patient data. Additionally, of these references is concerned with resolving inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system.

Additionally, even if there was some reason to combine these references, such a combination would produce a scheduler able to manage large bodies of information across multiple providers of information. This combination still neither discloses nor suggests "initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied," as recited by the present invention.

In view of the above remarks it is respectfully submitted that Brown et al. and Stoodley et al., when taken alone or in combination provide no 35 USC 112 compliant enabling disclosure showing the above discussed features. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

As claims 3, 4, 6-8 are dependent on claim 1, claims 16, 17 and 19 are dependent on claim 11, claims 21-24 are dependent on claim 20 and claim 27 is dependent on claim 26, Applicant respectfully submits that claims 3, 4, 6-8, 16, 17, 19, 21-24 and 27 are patentable for the reasons given in connection with claims 1, 11, 20 and 26. Thus, it is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
Samuel I. Brandt

Date: October 31, 2006

By: 

Alexander J. Burke
Reg. No. 40,425

Alexander J. Burke
Intellectual Property Department
Siemens Corporation,
Customer Number 28524
Tel. 732 321 3023
Fax 732 321 3030